

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RICKY J. HAMBY,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-626-JJF
)	
DR. KASTRE, et al.,)	
)	
Defendants.)	

**STATE DEFENDANTS RAPHAEL WILLIAMS AND STANLEY TAYLOR’S
MOTION FOR LEAVE TO DEPOSE PLAINTIFF**

COMES NOW, the State Defendants Raphael Williams and Stanley Taylor (the “State Defendants”) by and through their undersigned counsel, and hereby move this Honorable Court (the “Motion”) to enter an order, substantially in the form attached hereto, granting the State Defendants leave to depose Plaintiff Ricky J. Hamby (“Hamby”). In support of the Motion, the State Defendants state as follows:

1. Plaintiff, Hamby is an inmate presently incarcerated at the Delaware Correctional Center in Smyrna, Delaware.
2. Counsel for the State Defendants wishes to depose Hamby as part of discovery in this case.
3. The scheduling order entered in this matter set the discovery deadline for November 8, 2006 (D.I. 49).
4. Rule 30(a) of the Federal Rules of Civil Procedure requires leave of the Court to depose an incarcerated individual.
5. A form of order is attached to this Motion that grants the State Defendants’ counsel the right to depose Hamby.

WHEREFORE, the State Defendants respectfully request that this Honorable Court enter an order, substantially in the form attached hereto, granting their Motion for Leave to Depose Plaintiff Ricky J. Hamby.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/ Erika Y. Tross

Erika Y. Tross (#4506)

Deputy Attorney General

820 N. French Street, 6th Floor

Wilmington, DE 19801

(302) 577-8400

Attorney for State Defendants Raphael

Williams and Stanley Taylor

Dated: October 6, 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RICKY J. HAMBY,)	
)	
Plaintiff,)	
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v.)	C.A. No. 05-626-JJF
)	
DR. KASTRE, et al.,)	
)	
Defendants.)	

ORDER

Upon State Defendants Raphael Williams and Stanley Taylor's Motion For Leave To Depose Plaintiff (the "Motion"); and it appearing that good and sufficient notice of the Motion has been given; and after due deliberation thereon:

IT IS HEREBY ORDERED as follows:

1. The Motion is **GRANTED**.
2. The State Defendants are granted leave to depose the Plaintiff in this matter.

SO ORDERED this _____ day of _____, 2006.

The Honorable Joseph J. Farnan, Jr.
United States District Court Judge

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)	
Defendants.)	

7.1.1 CERTIFICATE OF COUNSEL

The undersigned counsel hereby certifies, pursuant to Rule 7.1.1 of the Local Rules for the District Court of Delaware, that she is, as a practical matter, unable to discuss the subject of this Motion with the Plaintiff because the Plaintiff is an incarcerated inmate in a prison. Defense counsel assumes that the Plaintiff opposes this Motion.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/ Erika Y. Tross

Erika Y. Tross (#4506)
Deputy Attorney General
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400

Attorney for State Defendants Raphael
Williams and Stanley Taylor

Dated: October 6, 2006

CERTIFICATE OF SERVICE

I, Erika Y. Tross, Esq., hereby certify that on October 6, 2006, I caused a true and correct copy of the attached *State Defendants Raphael Williams And Stanley Taylor's Motion For Leave To Depose Plaintiff* to be served on the following individual in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

Inmate Ricky J. Hamby
SBI #191377
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

MANNER OF DELIVERY:

- ☐ One true copy by facsimile transmission to each recipient
- ☒ Two true copies by first class mail, postage prepaid, to each recipient
- ☐ Two true copies by Federal Express
- ☐ Two true copies by hand delivery to each recipient

/s/ Erika Y. Tross

Erika Y. Tross (#4506)
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